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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,280	10/07/2003	Bernd Frommherz	031226-016	4016

21839 7590 03/30/2005

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EXAMINER

VANAMAN, FRANK BENNETT

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/679,280

Applicant(s)

FROMMHERZ, BERND

Examiner

Frank Vanaman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) ☐ Notice of Informal Patent Application (PTO-152) |
| 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/31/03</u> | 6) ☐ Other: ____ |

Status of Application

1. Applicant's correspondence, filed December 14, 2004, is acknowledged. The application is pending in the Office and an Office Action follows.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the tray being screwed to the side walls of the basket (claim 7) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Wanzl (US 5,836,596). Wanzl teaches a shopping trolley (1) with a basket (5) comprising a small-item tray (55) fixed to an inside of an end wall of the trolley, the end wall (23) having an indentation (47) on which the tray is supported, the arrangement further including a U-shaped clamping strip (see edges of 47) which allows the securing of the tray and in conjunction with element 27' also allows a closing of the indentation; the tray having at least a pair of forwardly projecting sides (connecting 27' and 55) for supporting the tray, the strip portion having first and second wall portions forming a squared-off U-shape in cross section, wherein a single groove (between the two walls) forms a gripping surface which includes and extends from the top along the entire extent of the strip. Wanzl further notes that various other connection devices such as snap-in catches and screws (see col. 5, lines 57-65) may be used for connecting various parts of the arrangement together.

5. Claims 1, 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brüder Siegel GmbH (DE 8113394,3, cited by applicant) Brüder Siegel teach a shopping trolley with a basket (3) having plural indentations (voids between elements 3), including those present in an end wall, wherein a small item tray (4, 6, 12, 13, etc) is supported on an end wall of the trolley with a clamping strip (e.g., 5a, 5b) having a U-shape (see figures 2a, 2b) including first and second arms (i.e., the ends of the 'U'), wherein a downward projection (see figure 2b) serves to support the tray with respect to the strip and basket.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wanzl (cited above).

Claim 3: The reference to Wanzl is discussed in detail above, and fails to specifically teach the clamping strip as connected to the basket in a snap-locking manner. In view of Wanzl's teaching that various portions of the arrangement may be connected using a snap-in catch (col. 5, line 62), it would have been obvious to one of ordinary skill in the art at the time of the invention to connect the strip and end wall together with a snap-in catch for the purpose of allowing the elements to be connected together quickly without the need for adhesives or chemical welding processes.

Claim 6: The reference to Wanzl fails to specifically teach a plurality of gripping grooves. The supplication of an already-taught part or element for the purpose of multiplying or enhancing the effect provided by the element is not deemed to be beyond the skill of the ordinary practitioner, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a plurality of grooves rather than a single groove for the purpose of providing a more secure connection between the elements 27' and 23'.

Claim 7: the reference to Wanzl fails to specifically teach the use of screws to connect the tray with the cart sides. Inasmuch as Wanzl anticipates the use of screws in various connections associated with the cart (col. 5, lines 63-65), it would have been obvious to one of ordinary skill in the art at the time of the invention to provide at least a threaded connection between the tray and basket portion of the cart using screws, for the purpose of preventing unauthorized removal of the tray from the basket, as suggested by Wanzl.

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8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brüder Siegel GmbH (DE 8113394.3) in view of Bergin et al. (US 6,186,382). The reference to Brüder Siegel is discussed above and fails to teach the provision of projections associated with the strip, which extend through holes in the tray and project in recesses in the wall of the basket on the cart. Bergin et al. teach that it is old and well known to provide a U-shaped clamping strip (figure 5) with projections (106) which extend through openings in the cart and a U-shaped clamping strip (95). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the clamping strip taught by Brüder Siegel with at least a projecting threaded connector as taught by Bergin, extending through a rear leg of the clamping strip (e.g., the interior portions facing toward the viewer in at least the end wall portion of the arrangement shown in figures 3 and 4 of Brüder Siegel) and opening formed in the basket portion of the cart, so as to insure that the clamping strip is securely connected to the cart, and preventing unauthorized removal.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Callanan (US 3,588,083), Frisch (US 3,912,291), Cohen (US 4,376,502), Sugiura et al. (US 4,589,794), Fletcher (US 4,703,396), Hurst (US 5,836,422), Chen et al. (US 6,152,340), and Maubon (FR 2,795,033) teach carts, trays and connections of pertinence.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 703-308-0424. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is 703-308-1113.

A response to this action should be mailed to:

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450,

Or faxed to one of the following fax servers:

Regular Communications/Amendments: 703-872-9326
After Final Amendments: 703-872-9327

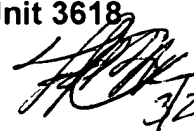
(cont'd., over)

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Customer Service Communications: 703-872-9325

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

F. VANAMAN
Primary Examiner
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3/22/03